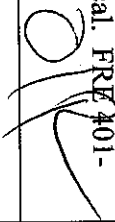


Chambers Can*Order***PLAINTIFFS' NOVEMBER 9, 2008 DESIGNATION OF DEPOSITION TESTIMONY OF MIKE UWAKA (11/06/08)**

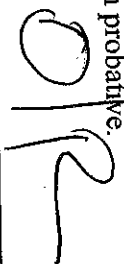
(Counter-Designations in italicized text)

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5:8:11	Plaintiffs' designation is nonsensical. FRE 401-403. 				
29:25-30:7					
73:21-74:14					
93:3-8 (Beginning with "I'm just asking")					
95:6-12					
			95:13-21		

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			99:9-18	99:16: Rule 403. Object that reference to "tribal war" is more prejudicial than probative. 	Plaintiffs' objection is meritless. Why CNL needed security is relevant to each of plaintiffs' claims and defendants' defenses.
			99:21-25		
			100:3-7		
172:6-8					
189:19-190:7	Irrelevant and more prejudicial than probative of any material fact; every country has instances of the police or military	Uwaka's testimony that he had heard the MOPOL referred to as the "kill and go," and his knowledge that the			

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	shooting people. FRE 401-403. 	military and police had been accused of shooting youths, is clearly relevant to plaintiffs' claims in this case, and is not prejudicial. Defendants can put on their own evidence to refute plaintiffs' evidence, and can call Uwaka (whom they represent) to explain his own testimony.			
			190:12-16		
			191:10-15		

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221:10-11, 20-24					
222:8-9, 223: 5-6, 12	223: 5-6, 12: Examination is argumentative because the deponent was not involved in the decision and the question was asked and answered (see 222:10-223:1) <i>FRF 401-403, 602.</i>				
249:4-11	Lacks foundation and personal knowledge, calls for speculation. <i>FRF 602.</i>	Uwaka himself approved a payment to Ogedegbe for the May 28, 1998 attack (Exh. 420, which he authenticates earlier in the deposition). He			




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		was the head of security who approved most security payments, and he clearly has the foundation to testify that a per diem payment was paid to any military who were working at Parabe on May 28, 1998.			
249:14-15	Lacks foundation and personal knowledge, calls for speculation. FRE 602. 	Uwaka himself approved a payment to Ogedegbe for the May 28, 1998 attack (Exh. 420, which he authenticates earlier in the deposition). He was the head of			

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249:17-19	Lacks foundation and personal knowledge, calls for speculation. FRE 602. 	Uwaka himself approved a payment to Ogedegbe for the May 28, 1998 attack (Exh. 420, which he authenticates earlier in the deposition). He was the head of security who approved			
		security who approved most security payments, and he clearly has the foundation to testify that a per diem payment was paid to any military who were working at Parabe on May 28, 1998.			

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		most security payments, and he clearly has the foundation to testify that a per diem payment was paid to any military who were working at Parabe on May 28, 1998.			
249:21-23	Lacks foundation and personal knowledge, calls for speculation. FRE 602. 	Uwaka himself approved a payment to Ogedegbe for the May 28, 1998 (Exh. 420, which he authenticates earlier in the deposition). He was the head of security who approved most security payments, and			

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293:17-19 (plaintiffs request permission to change "yesterday" to "earlier" for purposes of the reading) <i>OK</i>		he clearly has the foundation to testify that a per diem payment was paid to any military who were working at Parabe on May 28, 1998.			
293:23-294:1					

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426:14-427:11	Defendants object that this designation is irrelevant and more prejudicial than probative of any material fact, because counsel was asking about the villages of Opia and Ikenyan (see 425:25-427:11), which plaintiffs and claims were dismissed with prejudice. FRE 401-403. Plaintiffs were ordered to respond to discovery in this case relating to those	Uwaka's testimony does not relate in any way to the Opia/Ikenyan incidents. His testimony that the modus operandi of the task force was to burn down/villages is highly relevant to plaintiffs' claims. If necessary, plaintiffs can work with defendants and the Court to reword the question asked so that it doesn't refer to the	294:12-295:13 ending with "after."		

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	dismissals as a prerequisite to relying on any Opia/Ikenyan evidence. Plaintiffs have not responded to such discovery, and thus cannot rely on this testimony. If plaintiffs are permitted to read this testimony, then defendants request permission to inform the jury that after nine years of litigation plaintiffs dismissed all Opia/Ikenyan plaintiffs due to an ethical conflict of interest and have refused to respond to discovery aimed at	villages.			

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	determining whether the claims were fraudulent. <i>See also</i> Dkt. # 2001 (order on Defs.' MIL No. 2).				